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REMARKS

Claims 1 and 3-26 are pending in the present application. Reconsideration is respectfully requested for the following reasons.

In the Office Action, claim 6 was indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph. Applicant would like to thank the Examiner for that indication.

Claims 8-27 and 23-25 have been objected to under 37 C.F.R. §1.75(c) as being multiple dependent claims that depend from other multiple dependent claims. All of the multiple dependencies have been removed from the claims as pending and accordingly Applicant submits that the objections to the claims have been obviated.

Claims 2-6, 22 and 27 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 2 has been rejected for being unclear. Claim 2 has been canceled and Applicant submits that the indefiniteness rejection of claims 2-6 has been obviated.

Claim 22 has been rejected as being indefinite because, according to the Office Action, it is unclear whether the rotational output element referred to in claim 22 is the same element as claimed in claim 1 or a second rotational output element. Claim 22 has been amended to make clear that the rotatable output element is the same element as the rotatable output element as claimed in claim 1. Accordingly, Applicant submits that the indefiniteness rejection of claim 22 is obviated.

Claim 27 has been rejected as being indefinite. Claim 27 has been canceled from the present application.

Claims 1, 4, 5, 7 and 26 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,453,772 to Moskob. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of

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anticipation based upon the prior art. *In re Sun*, 31 U.S.P.Q.2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Applicant respectfully asserts that the Examiner has not yet met his burden of establishing a prima facie case of anticipation with respect to the rejected claims.

Claim 1 defines an apparatus for providing a rotational output comprising a rotatable output element, a transfer element providing a traversable circuit relative to the rotatable output element, a constraint arranged to constrain the transfer element against rotation about its own axis but allow eccentric oscillation of the transfer element and an input drive. The input drive is rotatable and arranged to cause oscillation of the transfer element by traversal thereof, relative to the rotatable output element, to provide a rotatable output.

The prior art of record does not disclose the above-noted features of claim 1. Specifically, the Moskob '772 patent does not disclose an input drive that is rotatable and arranged to cause oscillation of a transfer element by traversal thereof, relative to a rotatable output element, along with the remaining features of claim 1. In the Moskob '772 patent, the eccentric input element 8 of the rotary drive unit 3 does not traverse the transfer element. In the Moskob '772 patent, every point on an inner circumference of the transfer element 10 is in contact with the eccentric input element 8. Therefore, Applicant submits that the eccentric input element cannot be said to traverse the transfer wheel. Instead, the eccentric element rotates within the eccentric wheel. The present invention as claimed in claim 1 is therefore novel over the Moskob '772 patent. Accordingly, claim 1 is in condition for allowance over the Moskob '772 patent. Furthermore, claims 3-25 depend from claim 1 and since claim 1 defines unobvious patentable subject matter as discussed above, claims 3-25 define patentable subject matter over the Moskob '772 patent.

Claim 26 defines a method of providing a rotational output comprising causing traversal of a rotatable output element relative to a traversable circuit of a transfer element in which the transfer element is constrained against rotation about its own axis but can oscillate eccentrically. An input drive causes oscillation of the transfer element and hence traversal relative to the rotatable output element to provide a rotational output.

The prior art of record does not disclose the above noted features of claim 26. Specifically, as discussed above in regard to claim 1, the Moskob '772 patent does not disclose

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an input drive that causes oscillation of a transfer element and hence traversal relative to a rotatable output element to provide a rotational output. In the Moskob '772 patent, the eccentric input element 8 of the rotary drive unit 3 does not traverse the transfer element. In the Moskob '772 patent, every point on an inner circumference of the transfer element 10 is in contact with the eccentric input element 8. Therefore, the eccentric input element cannot be said to traverse the transfer wheel. Instead, the eccentric element rotates within the eccentric wheel. The claimed invention is therefore novel over the Moskob '772 patent. Accordingly, claim 26 is in condition for allowance over the Moskob '772 patent.

Claims 1, 3, 5, 7, 22 and 26 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,424,036 to Colgan. The subject matter of claims 1 and 26 along with the standard for rejecting a claim as being anticipated is outlined above.

The prior art of record does not disclose the above noted features of claim 1. Specifically, the Colgan '036 patent does not disclose an input drive that is rotatable and arranged to cause oscillation of the transfer element by traversal thereof, relative to the rotatable output element along with the remaining features of claim 1. In the Colgan '036 patent, the eccentric member 24 on the input shaft 14 does not traverse the pinion gear 30. Instead, the eccentric member rotates within the pinion gear. The claimed invention is therefore novel over the Colgan '036 patent. Accordingly, claim 1 is in condition for allowance. Furthermore, claims 3-25 depend from claim 1 and since claim 1 defines patentable subject matter as discussed above, claims 3-25 define patentable subject matter.

The prior art of record also does not disclose the above noted features of claim 26. Specifically, the Colgan '036 patent does not disclose an input drive that causes oscillation of the transfer element and hence traversal relative to the rotatable output element to provide a rotational output, along with the remaining features of claim 26. In the Colgan '036 patent, the eccentric member 24 on the input shaft 14 does not traverse the pinion gear 30. Instead, the eccentric member rotates within the pinion gear. The claimed invention is therefore novel over the Colgan '036 patent. Accordingly, claim 26 is in condition for allowance.


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All pending claims 1 and 3-26 are believed to be in condition for allowance and a Notice of Allowability is therefore earnestly solicited.

Respectfully submitted,

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Date



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